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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/465,600	12/17/1999	ALEX I. EYDELBERG	INTL-0304-US	9073

7590   10/21/2004

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EXAMINER
HA, LEYNNA A

ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 July 2004*.

2a)☐ This action is **FINAL**.　　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   The Appeal Brief filed on July 16, 2004 have been reviewed for

reconsideration and has concluded to re-open prosecution.

2.   Claims 1-30 are rejected under 35 U.S.C. 103(a). This is a NON-Final

rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived by
> the manner in which the invention was made.

3.   ***Claims 1-30 are rejected under 35 U.S.C. 103(a) as being***

unpatentable by Rakavy, Et. Al. (US 6,324,644) in view of Anderson (US

6,161,177) and in further view of Godse (US 6,202,091)

As per claim 1:

Rakavy, et al. discloses a method comprising:

executing said first basic input/output system module; and

[see col.6, lines 47-60]

dynamically linking to said second basic input/output system module.

[see col.12, line 56 thru col.13, line 2 and col.15, lines 3-13]

[Although **Rakavy** teaches having more than one BIOS, but fails to discuss selectively loading either a first module of the basic input/output system or a second module of the basic input/output system based on a system state that indicates a connection to a network.

[Anderson teaches a computer system that includes a memory device containing a BIOS program and BIOS identifying data specifying the CPU corresponding to the BIOS program. Further, Anderson teaches determining if the correct BIOS has been selected for execution by the CPU (col.4, lines 41-43 and col.5, lines 22-30). It would have been obvious of the ordinary skill in the art to combine the teachings of Rakavy with Anderson of being able to selectively load the first or second BIOS is to ensure that the proper BIOS program is executed in computer systems having more than one BIOS program retained in a storage device and this will add optimum performance (col.2, lines 45-63).

However, the Rakavy/Anderson combination fails to include selectively load the bios based on the system state indicating a connection to the network.

Godse teach a pointer that can be selectively set to point toward a local site or a remote site that allows initiating the boot-up procedure locally while loading some software component such as a network wherein the component that are selected to load can be those that may be subject

to repeated upgrades or revisions (col.2, lines 40-49 and col.4, lines 30-53). It would have been obvious of the ordinary skill in the art to combine the teachings of the Rakavy/Anderson combination with Godse of being able to selectively load the BIOS based on the system state indicating a connection to a network because this avoids the necessity of changing the boot-up program at each node of the network (col.2, lines 49-50).]

As per claim 2:

Rakavy, et al. discloses a method of claim 1 further comprising:

storing said first module of a basic input/output system for a processor-based system on a first storage device prior to execution; **[see col.6, lines 45-56]**

storing said second module of the basic input/output system on a second storage device prior to execution; and **[see col.5, lines 47-51]**

enabling said second module to be executed conditionally depending on a state of said processor-based system. **[see col.7, lines 13-26 and col.8, lines 7-29]**

As per claim 3:

Rakavy, et al. teaches a method of claim 2 wherein storing said second module includes storing said second module in a storage associated with a network server accessible to said processor-based system over a network. **[see FIGs.1 and 7]**

As per claim 4:

Rakavy, et al. teaches a method of claim 1 further including detecting said

system state during the boot sequence. **[see col.8, lines 44-65]**

As per claim 5:

Rakavy, et al. teaches a method of claim 4 including detecting whether or not

the system is connected to a network during the boot operation. **[see col.9, lines**

23- 43]

As per claim 6:

Rakavy, et al. teaches a method of claim 1 including dynamically linking to one

of a plurality of modules, and exporting and offset to an entry point in one

module to another module. **[see col.7, lines 25-33 and col.8, lines 1-6]**

As per claim 7:

Rakavy, et al. teaches a method of claim 6 including storing a secondary entry

point in a module to locate a function within the module. **[see col. 8, lines 7-29]**

As per claim 8:

Rakavy, et al. teaches a method of claim 7 including developing a segment

address for said second module at run time. **[see FIG.3A]**

As per claim 9:

Rakavy, et al. teaches a method of claim 8 including providing a descriptor

table which indicates a segment address for said second module. **[see col.15,**

lines 26- 43]

As per claim 10:

Rakavy, et al. discloses a method comprising:

executing said first basic input/output system module; and

[see col.6, lines 47-60]

dynamically linking to said second basic input/output system module.

[see col.12, line 56 thru col.13, line 2 and col.15, lines 3-13]

[**Although Rakavy teaches having more than one BIOS, but fails to
discuss** selectively loading either a first module of the basic input/output
system or a second module of the basic input/output system based on a
system state that indicates a connection to a network.

**[Anderson teaches a computer system that includes a memory
device containing a BIOS program and BIOS identifying data specifying
the CPU corresponding to the BIOS program. Further, Anderson teaches
determining if the correct BIOS has been selected for execution by the
CPU (col.4, lines 41-43 and col.5, lines 22-30). It would have been obvious
of the ordinary skill in the art to combine the teachings of Rakavy with
Anderson of being able to selectively load the first or second BIOS is to
ensure that the proper BIOS program is executed in computer systems
having more than one BIOS program retained in a storage device and this
will add optimum performance (col.2, lines 45-63).**

However, the Rakavy/Anderson combination fails to include selectively load the bios based on the system state indicating a connection to the network.

Godse teach a pointer that can be selectively set to point toward a local site or a remote site that allows initiating the boot-up procedure locally while loading some software component such as a network wherein the component that are selected to load can be those that may be subject to repeated upgrades or revisions (col.2, lines 40-49 and col.4, lines 30-53). It would have been obvious of the ordinary skill in the art to combine the teachings of the Rakavy/Anderson combination with Godse of being able to selectively load the BIOS based on the system state indicating a connection to a network because this avoids the necessity of changing the boot-up program at each node of the network (col.2, lines 49-50).]

As per claim 11:

As rejected on the same rationale as applied in claim 2.

As per claim 12:

As rejected on the same rationale as applied in claim 3.

As per claim 13:

Rakavy, et al. teaches an article of claim 11 further storing instructions that cause a processor-based system to execute said second module conditionally depending on whether or not the processor-based system is coupled to a network. [see col.9, lines 5-42]

As per claim 14:

Rakavy, et al. teaches an article of claim 11 further storing instructions that cause a processor-based system to selectively access either a first module setting forth a first authentication protocol in a first storage device or a second module setting forth a second authentication protocol in a second storage device. **[see col.13, line 40 thru col.14, line 49]**

As per claim 15:

Rakavy, et al. teaches an article of claim 11 further storing instructions that cause a processor-based system to dynamically link said first and second modules. **[see col.12, line 56 thru col.13, line 2 and col.15, lines 3-13]**

As per claim 16:

As rejected on the same rationale as applied in claim 4.

As per claim 17:

As rejected on the same rationale as applied in claim 5.

As per claim 18:

As rejected on the same rationale as applied in claim 6.

As per claim 19:

As rejected on the same rationale as applied in claim 7.

As per claim 20:

As rejected on the same rationale as applied in claim 8.

As per claim 21:

As rejected on the same rationale as applied in claim 9.

As per claim 22:

Rakavy, et al. discloses a processor-based system comprising:

a processor; **[see col.5, lines 46-48]**

a first basic input/output system module executable by said processor;

and **[see col.6, lines 24-63]**

a second basic input/output system module executable by said

processor, said second module being dynamically linked **[see col.12, line 56**

thru col.13, line 2 and col.15, lines 3-13] to said first module **[see col.6, lines 24-**

63].

[Although Rakavy teaches having more than one BIOS, but fails to discuss

after selectively loading either said first module of the basic input/output

system or said second module of the basic input/output system based on a

system state that indicates a connection to a network.

[Anderson teaches a computer system that includes a memory

device containing a BIOS program and BIOS identifying data specifying

the CPU corresponding to the BIOS program. Further, Anderson teaches

determining if the correct BIOS has been selected for execution by the

CPU (col.4, lines 41-43 and col.5, lines 22-30). It would have been obvious

of the ordinary skill in the art to combine the teachings of Rakavy with

Anderson of being able to selectively load the first or second BIOS is to

ensure that the proper BIOS program is executed in computer systems

having more than one BIOS program retained in a storage device and this will add optimum performance (col.2, lines 45-63).

However, the Rakavy/Anderson combination fails to include selectively load the bios based on the system state indicating a connection to the network.

Godse teach a pointer that can be selectively set to point toward a local site or a remote site that allows initiating the boot-up procedure locally while loading some software component such as a network wherein the component that are selected to load can be those that may be subject to repeated upgrades or revisions (col.2, lines 40-49 and col.4, lines 30-53). It would have been obvious of the ordinary skill in the art to combine the teachings of the Rakavy/Anderson combination with Godse of being able to selectively load the BIOS based on the system state indicating a connection to a network because this avoids the necessity of changing the boot-up program at each node of the network (col.2, lines 49-50).]

As per claim 23:

Rakavy, et al. teaches a system of claim 22 including a detector that detects a system state to determine whether said processor executes said second module. [see col.9, lines 2-42]

As per claim 24:

Rakavy, et al. teaches a system of claim 22 including a first storage for said first module and a storage second module for said second module, said second

storage being coupled to said processor-based system over a network. **[see FIGs.1 and 2]**

As per claim 25:

Rakavy, et al. teaches a system of claim 24 wherein said detector detects information about network access. **[see col.9, lines 2-42]**

As per claim 26:

Rakavy, et al. teaches a system of claim 25 wherein said first and second modules include different authentication protocols. **[see col.9, lines 43-62 and col.13, lines 26-63]**

As per claim 27:

Rakavy, et al. teaches a system of claim 26 wherein said processor executes said basic input/output system module on said second storage to implement a network authentication protocol. **[see col.13, lines 26-63]**

As per claim 28:

Rakavy, et al. teaches a method of claim 22 wherein said first module dynamically links to said second module, using an offset exported from said second module. **[see col.7, lines 11 thru col.8, lines 28]**

As per claim 29:

Rakavy, et al. teaches a method of claim 28 wherein said first module uses a secondary entry point to locate a function in said second module. **[see col.8, lines 5-28]**

As per claim 30:

Rakavy, et al. teaches a method of claim 22 wherein said processor provides a descriptor table which indicates a segment address for said second module. **[see col.15, lines 26- 43 and FIG.3B]**

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEYNNA T. HA whose telephone number is (703) 305-3853. The examiner can normally be reached on Monday - Thursday (7:00 - 5:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***TC 2100 will be moved to Carlyle in October 2004. At this time, any inquiry or communications should be directed to the examiner, LEYNNA HA, whose new telephone number is (571) 272-3851 and the new telephone number for TC 2100 receptionist is 571-272-2100.

LHa

KIM VU
PATENT EXAMINER
TECHNOLOGY CENTER 2100